

# Exhibit A

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November 8, 2019

**By E-Mail Only**

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**Re: In re Fisher-Price Rock 'n Play Sleeper Marketing, Sales Practices, and  
Products Liability Litigation**

**Case No. 1:19-md-2903 (WDNY)**

Dear Counsel:

We have not received a response to our letter of November 1, 2019 requesting to meet and confer in advance of the Court-ordered initial meeting to exchange ESI terms on November 11<sup>th</sup>. Nevertheless, enclosed are plaintiffs' proposed search terms and list of custodians so that we may have a productive discussion.

Nor have we received a response to our request for your availability on November 11<sup>th</sup>. We are available to meet and confer between noon and 4 PM Eastern time on that date. Please let us know when you would like to do so.

Finally, we have not received a response to our letter of October 25, 2019 requesting Defendants' compliance with the Court's order requiring production of all documents and communications with the CPSC and Defendants' obligation to disclose insurance information under Rule 26(a)(1)(A)(iv). Nor have we received a response to our letter of November 1, 2019 requesting Defendants supplement their initial production with attachments to their e-mail communications with the CPSC, the enclosures referenced in document Bates stamped FSHR0005787, and an updated load file containing the missing metadata for Defendants' correspondence with the CPSC as required under the ESI Plan (ECF 16).

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Please advise what time you are available to meet and confer on November 11<sup>th</sup> as ordered by Section H of the Initial Case Management Order (ECF 12).

Very truly yours,

A handwritten signature in black ink, appearing to read "Daniel Tepper", written in a cursive style.

Daniel Tepper

Encl.

cc: Craig de Recat ([cderecat@manatt.com](mailto:cderecat@manatt.com))  
Matt Kanny ([mkanny@manatt.com](mailto:mkanny@manatt.com))  
Demet Basar ([basar@whafh.com](mailto:basar@whafh.com))  
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Enclosure

## Rock 'n Play Custodians and Search Terms

The following is a working list reflecting Plaintiffs' proposals as to custodians and search terms. Please be advised that this list is subject to modification and supplementation as the discovery process continues.

### **I. Custodians:**

#### **A. Persons listed in Plaintiffs' and Defendants' Initial Disclosures:**

1. Linda Chapman, Director of Product Design, Fisher Price;
2. Michael Steinwachs, Senior Manager, Quality Engineering, Fisher-Price;
3. Cathy (Kitty) Pilarz, Vice President for Product Safety and Regulatory Compliance, Fisher-Price;
4. Kurt Huntsberger, Vice President of Design, Fisher-Price;
5. Margo Moulin, Soft Goods Engineer, Fisher-Price;
6. Chuck Scothon, General Manager, Fisher-Price;
7. Joel Taft, Senior Manager, Product Safety, Fisher-Price;
8. Tony DeSimone, Marketing Executive, Fisher-Price;
9. Ronda Strauss, Manager, Risk Management, Fisher-Price;
10. Bryan Brown, Vice President of Quality, Design and North American Manufacturing, Mattel;
11. Robert Normile, Executive Vice President, Chief Legal Counsel, and Secretary, Mattel;
12. Ynon Kreiz, Chairman and CEO, Mattel;
13. Margo Georgiadis, former CEO, Mattel;
14. Christopher A. Sinclair, former Chairman and CEO, Mattel;
15. Bryan Stockton, former CEO, Mattel;
16. Robert A. Eckert, former CEO, Mattel.
17. Gary Deegear, consultant to Defendants with respect to Rock 'n Play Design

#### **B. Additional Custodians Identified from Document Production To Date:**

1. Joel Rotenberg, former VP of Product Integrity Fisher Price, Former VP of Consumer Relations, Mattel, Former VP of Finance & Strategy (Fisher Price) Former VP Finance, Mattel.
2. Tim Snyder, Vice President, Product Development, Fisher-Price
3. Lynn Martin, Senior Risk Management Liaison, Fisher Price
4. Shirley Gordner, Supervisor, Consumer Services, Mattel
5. Sherry Schwab, Supervisor, Consumer Services, Mattel
6. Pat Kuper, Senior Consumer Services Associate, Mattel
7. Donna Dominesy, Consumer Services, Mattel
8. Tina Murphy, Marketing Associate, Fisher Price/Mattel, Global Brand Team, First Play/Infant
9. Alan Mruk, Art Production Manager, Fisher Price

10. Dan Dzialga, Counsel, Fisher Price

11. Justin Taton, Director of Quality, Mattel, Development Engineer, Fisher Price

Plaintiffs reserve the right to supplement the foregoing list of custodians based on Plaintiffs' continuing review of Defendants' document production.

**Search Terms:**

1. ((rock /3 play) or RNP\* or inclin\*) and ((focus /5 group\*) or "market research" or (market /5 analy\*) or survey\* or questionnaire\* or parent\* or caregiver\* or priorit\* or importan\* or prefer\*)
2. ((rock /3 play) or RNP\* or inclin\*) and (target\* /10 (consumer\* or demograph\*))
3. ((rock /3 play) or RNP\* or inclin\*) and (revenue or profit\* or sales data or ((total /10 (sales or sold)) or (annual /10 (sales or sold)) or (quarterly /10 (sales or sold)) or (monthly /10 (sales or sold)) or (unit\* /10 (sales or sold)))
4. ((rock /3 play) or RNP\* or inclin\*) and (Nielsen or "Information Resources" or "IRI")
5. ((rock /3 play\*) or RNP\* or inclin\* /50 (MRSP or pric\* or cost\*))
6. ((rock /3 play\*) or RNP\* or inclin\* /15 (nam\* or call\* or "sell as" or "sale as" or "selling as" or "sold as" or titl\* or designa\*) /15 (sleeper or soother)
7. ((rock /3 play\*) or RNP\* or inclin\* and (packag\* or box\* or container or carton)
8. ((rock /3 play\*) or RNP\* or inclin\* /100 (market\* or advertis\* or or tag\* or copy or ad or ads or sign\* or magazine\* or televise\* or radio or internet\* or facebook or youtube or campaign\* or "social media" or blog\*))
9. ((rock /3 play\*) or RNP\* or inclin\* and (demogr\* or geogr\* or state\* or nation\*) /10 market\*)
10. ((rock /3 play\*) or RNP\* or inclin\*) and (database\* or register\* or (customer\* and name) or address\* or email\*)
11. ((rock /3 play\*) or RNP\*) and recall\* or advis\*
12. ((rock /3 play\*) or RNP\*) and (reimburs\* or refund\* or vouch\*)
13. ((rock /3 play\*) or RNP\*) and (disclos\* or ((press\* or media\* or public\*) /10 (release or statement)))
14. ((rock /3 play\*) or RNP\* or inclin\* and (danger\* or death\* or dead\* or die\* or dying or close or near or scar\* or or asphyx\* or breath\* or suffo\* or position\* or compress\* or unsafe or "not safe")

15. ((rock /3 play\*) or RNP\* or inclin\* or hammock\* or crib\* or bassinet\* or basinet\* and safe\* or sleep\* or standard\* or back\*)
16. ((rock /3 play\*) or RNP\* or inclin\* and (injur\* or hurt or plagiocephaly or brachycephaly or torticollis or “flat head” or flathead” or “twisted neck” or harm\*))
17. ((rock /3 play\*) or RNP\* or inclin\* and ((case /5 history) or (epidemiologic /10 investigation) or (matter /10 details /10 report))
18. ((rock /3 play\*) or RNP\*) and (resell\* or resold\* or “secondary market”)
19. ((rock /3 play\*) or RNP\* or inclin\* or hammock\* or crib\* or bassinet\* or basinet\* /15 (design\* or develop\* or test\* or stud\* or research\*))
20. (inclin\* /3 sleep\*) /15 (test\* or stud\* or research\*)
21. ((rock /3 play\*) or RNP\*) /200 defect\*
22. ((rock /3 play\*) or RNP\*) and Exponent\*
23. ((rock /3 play\*) or (inclin\* /3 sleep\*)) /200 (standard\* or regulat\* or law\* or statut\* or government\* or guidance or rule)
24. 3118 or 2194
25. ASTM and (inclin! or bassinet! or basinet! or cradle! or hammock or sleeper)
26. CPSC and (inclin! or bassinet! or basinet! or cradle! or hammock or sleeper)
27. ((rock /3 play\*) or RNP\* or hammock\* or crib\* or bassinet\* or basinet\*) and (dr\* or doctor or pediatrician or AAP or Pediatric\* or NIH or FDA or CPSC or commission or ASTM or Juvenile Products Manufacturers Association or JPMA)
28. ((rock /3 play\*) or RNP\* or hammock\* or crib\* or bassinet\* or basinet\*) and (lobby\* or exemp\* or exception\* or rule\* or regulat\*)
29. ((rock /3 play\*) or RNP\*) /50 (purpos\* or use\* or misus\* or overnight\* or supervis\* or unsupervis\* or prolong\*)
30. ((rock /3 play\*) or RNP\* or sooth\*) /100 (Australia\* or Queensland\* or QLD or United Kingdom or UK or Engl\* or Brit\* or Canad\* or midwi\* or health or ACCC or EU or Europe\* or RAPEX or alert or “consumer commission”)
31. ((rock /3 play\*) or RNP\*) /15 (restrain\* or strap\* or harness\*) /15 (use\* or using or “not use” or “not used” or unused or misus\*)
32. ((rock /3 play\*) or RNP\* or inclin\* and safety or safe or degree\* or angle\* or inclin\* or supine or colic\* or gastro\* or reflux or concern\* or danger\* or worr\* or research\* or revis\* or analy\* or study or studies or review\*)

33. ((rock /3 play\*) or RNP\*) /50 (web\* or site\* or internet\* or online or post\*)
34. ((rock /3 play\*) or RNP\*) and (warn\* or alert\* or label\* or instruct\* or manual or insert\*)
35. ((rock /3 play\*) or RNP\*) and (return\* or refun\* or complain\* or report\*)
36. ((rock /3 play\*) or RNP\*) and warrant\*
37. ((rock /3 play\*) or RNP\*) /50 (crib\* or cradle\* or bassinet\* or basinet\* or seat\* or bounc\* or soother\* or sleeper\* or rocker\* or hammock\*)
38. ((rock /3 play\*) or RNP\*) /50 (consumer reports or (Rachel /4 Peachman) or (David /4 Butler))
39. Deegear
40. Burgurt or (Kyle /4 Yasuda) or (Rachel /4 Moon) or (Benjamin /10 Gold) or Benaroch or (Judith /4 Palfrey) or (William /4 Wallace) or (Nancy /4 Cowles) or (nancy@kidsindanger.org) or (Sharon /4 Forshpan) or (Erin /4 Mannen)
41. ((rock /3 play\*) or RNP or inclin\*) and ((Inez /4 Tenenbaum) or Buerkle or (Norman /4 Sharpless) or (Rachel /4 Coley) or (Celestine /4 Kish) or (Tony /4 Fernandes) or (Sharon /5 White))
42. ((rock /3 play\*) or RNP\*) and (congress\* or “house of representatives” or (committee /5 oversight) or (subcommittee /5 economic))
43. ((rock /3 play\*) or RNP\*) and (roll\* /10 (risk\* or able\* or abil\* or capab\* or learn\* or develop\* or typic\* or usual\* or first\* or danger\* or restrain\* or harness\* or strap\*))
44. ((rock /3 play\*) or RNP\*) and (“real world” or ((actual\* or home\* or real\*) /10 (use\* or using))
45. Elizabeth /3 Alfaro or Emily /3 Barton or Linda /3 Black or Luke /3 Cuddy or Rebecca Drover or Megan /3 Fieker or Karen /3 Flores or Nancy /3 Hanson or Jena /3 Huey or Samantha /3 Jacoby or Megan /3 Kaden or Candace /3 Kimmel or Kerry /3 Mandley or Cassandra /3 Mulvey or Joshua /3 Nadel or Melanie /3 Nowlin or Daniel /3 Pasternacki or Brianna /3 Persons or Jessie /3 Poppe or Katharine /3 Shaffer or Emily /3 Simmonds or Josie /3 Willis or Renee /3 Wray